

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

BRADLEY DREW,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:16CV00095 SNLJ
	)	
CAPITAL ONE BANK (USA) N.A.,	)	
	)	
Defendant.	)	

**ORDER**

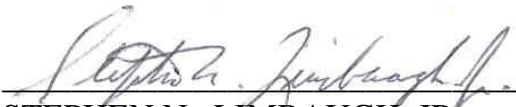
This matter is before the Court on defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b). The Court previously took up the motion, and on June 21, 2016, defendant's motion was taken under advisement. Plaintiff's complaint, which had been originally filed in small claims court and removed to this Court, failed to plead sufficient facts to state a claim for relief that is plausible on its face. With the removal of the small claims action to federal court, in the interest of justice, the Court granted plaintiff leave to file an amended complaint within fourteen days. The Court's Order gave plaintiff notice that if he failed to file an amended complaint within fourteen days the motion to dismiss would be granted without prejudice. More than fourteen days have elapsed since the date of the Order and plaintiff has not filed an amended complaint, sought leave for additional time to file an amended complaint, or filed any document or request in response to the Order.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion to dismiss (ECF# 5) is  
**GRANTED.**

**IT IS FURTHER ORDERED** that plaintiff's complaint is **DISMISSED without  
prejudice.**

Dated this 7th day of July, 2016.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE